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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,780	02/09/2004	Gregory D. Aviza	00216-674001 / Case 8144	8854

27752 7590 08/20/2007
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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08/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/774,780

Applicant(s)

AVIZA, GREGORY D.

Examiner

Kenneth E. Peterson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,28,29 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,28,29,31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 22,31,35 and 38 are objected to because of the following informalities:

In claims 22 and 38, the term "second end block" should be changed to –second plastic block—to maintain proper antecedent basis.

Claims 31 and 35 are redundant to their parent claims.

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22,28,29,31,32,35,38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321), who shows in figure 15 a shaving razor with most of the recited limitations including a blade subassembly two blades (14) and two plastic blocks (19).

Several of the claims employ "consisting" language, which precludes the existence of additional parts such as the guard (16) and the cap (17). However, Francis himself teaches that these parts are not required to be on the blade subassembly, as seen in figure 8. The guard and cap can be on the razor itself, as seen in figures 7 and 12. It would have been obvious to one of ordinary skill in the art to have removed the cap and guard elements from Francis's figure 15 blade assembly, since Francis himself suggests this option.

Many of the claims require that nothing project past an "outer surface" of the plastic block. Examiner notes element 19A is an integral part of block 19 and is accordingly considered to be part of the block, and thus the "outer surface" of the block is the rightside surface of 19A as seen in figure 15. After the removal of elements 16 and 17, nothing projects past the rightside surface of 19A.

4. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321) in view of Anderson (5,282,316).

Francis shows a razor with most of the recited limitations as set forth above. Francis's blades have projections that go into the plastic block, instead of vice-versa. However, the courts have long held that a reversal of parts such as this is obvious. Furthermore, it is known as shown by the likes of Anderson (19). It would have been obvious to one of ordinary skill in the art to have made the plastic block protrude into the blade, as taught by Anderson, since this reversal of parts is a known art-recognized equivalent.

5. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321) in view of Coffin et al. (2004/0128835).

Francis shows a razor with most of the recited limitations as set forth above. Francis's blade subassembly has only two blades, but to have more is well known, as taught by Coffin (line 1, page 2). It would have been obvious to one of ordinary skill in

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the art to have modified Francis by providing up to five blades, as taught by Coffin, in order to provide a smoother shave.

6. Claims 39,41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321) in view of Santhagans Van Eibergen et al (6,671,961).

Francis shows a razor with most of the recited limitations as set forth above. Francis's cap lacks a lubricating strip, but this is ubiquitous in the art as seen in Santhagans Van Eibergen (23, lines 18-21, column 6). It would have been obvious to one of ordinary skill in the art to have provided a lubricating strip for Francis, as taught by Santhagans Van Eibergen, in order to provide a more pleasant shaving experience.

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp


KENNETH E. PETERSON
PRIMARY EXAMINER